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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,046	06/22/2001	Carol Shifrin Gruchala	P20144.P05	5443

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EXAMINER

UBILES, MARIE C

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,046

Applicant(s)

GRUCHALA ET AL

Examiner

Marie C. Ubiles

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 10, 2004 has been entered. Claims 1 and 14 have been amended. No claims have been cancelled. No claims have been added. Claims 1-14 are still pending in this application, with claims 1 and 14 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Morrissey et al. (US 5,524,146) in view of Breslin (August 1999) and further in view of Dowens (US 5,559,857); as stated on the Office Action mailed on 3/12/04 stands.
4. The rejection of claims 10-13 under 35 U.S.C. 103(a) as being unpatentable over Morrissey et al. (US 5,524,146) in view of Breslin (August 1999) and further in view of Dowens (US 5,559,857) as applied to claims 1,9 and 14 above; and further in view of Peltz (August 1999); as stated on the Office Action mailed on 3/12/2004 stands.
5. Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrissey et al. (US 5,524,146) in view of Breslin (August 1999) and further in view of FCC CC Docket No. 92-105.

As for claim 1, Morrissey et al. discloses a telecommunications method an originating call to an appropriate end office within a local communications network (See Summary of the Invention, Col. 6, lines 28-37) interconnecting a plurality of service

Art Unit: 2642

switching points (*SSPs 11, 13, 15 and 17*)(See Fig. 1), the originating call being initiated (See Col. 19, lines 36-40) in response to a calling party (or *station A*) inputting a universal telephone number (or *short number code/N11 code*) into a first communications device (or *terminal station*) to a first service switching point (See Best Mode, Col. 19, lines 40-57), the first communication device having at least one identifier (See best Mode, Col. 20, lines 10-15).

Morrissey et al. does not specify routing and connecting the originating call to a telecommunications relay service center, nor does the universal telephone number being translated to a toll free telephone number of a telecommunications relay service (TRS) center comprising to an ANI or charge number of the communications device, providing to said telecommunications relay service (TRS) center the at least one identifier and the at least one identifier being received by the telecommunications relay service center and enabling the telecommunications relay service center to identify the first communication device.

Breslin teaches "Bell Atlantic chose Advanced Intelligent Network (AIN) technology to provide 7-1-1 access because of cost and functionality. The AIN Integrated Service Control Point (ISCP) contains service logic that responds to queries from the switches. The use of AIN enables the 800 number for each state to be programmed into an ISCP based on the Numbering Plan Area (NPA) of the calling party. Because of Bell Atlantic's success with the AIN deployment of 7-1-1 dialing in Maryland, AIN is being used to provide 7-1-1 service to Bell Atlantic's remaining states and jurisdictions. [...] The Commission should find that TRS providers are obligated to

provide access to the customer's carrier of choice so that everyone -- including Relay users -- can benefit from being able to choose from all of the calling plans and services available to them in a competitive marketplace." (See Page 1, P. 5 and Page 2, P. 2).

FCC CC Docket No. 92-105 further teaches providing at least one identifier (or ANI) to the TRS and the at least one identifier being received by the TRS (See Page 37, line 16 through page 38, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrissey's et al. claimed invention by providing a universal number that can be translated to a toll free telephone number of a telecommunications relay service center comprising to an ANI or a charge number (as read on calling plan) of the communications device as taught by Breslin; thus in this manner making it easier to a person with disabilities to contact a TRS with easy dialing of a N11 (or 711) type code number, but also provide access to the customer's carrier of choice.

Further, Morrissey's et al. invention can be modify by providing to and receiving at said telecommunications relay service center the identifier corresponding to the communications device as taught by FCC CC Docket No. 92-105; thus in this manner providing the operator at the TRS center with more information regarding the calling party (or *impaired party*) being currently helped. It is inherent that the TRS may be able to identify the communication device based on the received ANI information.

Claim 14 is rejected for the same reasons as claim 1. Breslin teaches the use of a service control point (or ISCP) communicating with an SSP (as read on "queries from

Art Unit: 2642

the switches”) for translating the universal dialed number (or 711) into a toll free number (or 800 number) corresponding to a TRS center.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrissey et al. (US 5,524,146) in view of Breslin (August 1999), in view of FCC CC Docket No. 92-105 as applied to claims 1,9 and 14 above; and further in view of Peltz (August 1999).

As for claim 3-4 and 10, Morrissey et al. teaches “The present service could be implemented with one or more ISCP’s per state, to avoid overloading existing CCIS data links. Alternatively, the ISCP could be implemented on a LATA by LATA basis or on a regional operating company, i.e. one data base for the entire geographic area serviced by one of the Regional Bell Operating Companies.” (See Best Mode, Col. 9, lines 19-24).

Peltz further teaches “Common carriers are required under Title IV of the Americans Disabilities Act (ADA) to provide TRS throughout their calling areas. For the most part, they fulfill this obligation through state-operated TRS programs. Each of the 50 states and United States territories have independently developed these programs, resulting in a myriad of 7 to 11 digit relay telephone numbers across the nation. This has made access to TRS difficult, if not impossible, when relay callers travel across state border. Use of the 7-1-1 code simplifies access to TRS [...] Commenters to the Commission’s NPRM on this subject reported that routing all 711 calls from a subscriber’s telephone to the subscriber’s preferred TRS provider can be accomplished

Art Unit: 2642

through a database query initiated by an Advanced Intelligent Network (AIN). The query response would contain an 800 routing number that would correspond to the relay user's pre-selected provider..." (See Page 2, P. 3 and Page 5, P. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the combination of Morrissey et al., Breslin (August 1999) and FCC CC Docket No. 92-105, with the step of having the SCP identifying the originating state of the caller and forwarding the call to an appropriate TRS center for the originating state as per the teachings of both Morrissey et al. and Peltz; thus in this manner making possible to telecommunication service providers (or common carriers) to provide a relay caller with a simpler way to call the TRS center when traveling across state lines and using several numbers per state to avoid overloading the existing data links.

7. Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrissey et al. (US 5,524,146) in view of Breslin (August 1999) and further in view of FCC CC Docket No. 92-105, as applied to claims 1,9 and 14 above, and further in view of Keating et al. (September 1998).

As for claims 5-7, Keating et al. teaches "...all incoming emergency relay calls should be processed through an automated database system that matches the TRS callers automatic information ("ANI") with the appropriate emergency number in his or her area. [...] share database information, including ANI and automatic location information ("ALI")... Sharing database information with TRS providers will permit CAs

Art Unit: 2642

[calling assistants] to quickly access a caller's ANI/ALI and to forward the information to the appropriate emergency PSAP." (See Page 2, P. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morrissey et al. in view of Breslin (August 1999) and further in view of FCC CC Docket No. 92-105, as applied to claims 1,9 and 14 above, by adding the step of displaying at the TRS center: user identifying information and location of the calling party, as taught by Keating et al.; and thus in this manner provide the TRS center with an efficient manner to handle emergency calls to a TRS center. The Examiner further adds, it is well that emergency calls made by a calling party are counted in order to keep a log of how the emergency situation was handled, keeping track of amount of calls made are also used for billing purposes.

As for claim 8, it is well-known in the art that for ethical reasons the only information -made into a TRS center- that can be stored in memory is the one used for planning and billing purposes, the only time when this rule is waived is during emergency situations.

Claim 2 is rejected for the same reasons as claims 5-8.

Response to Arguments

8. Applicant's arguments filed June 10, 2004 have been fully considered but they are not persuasive.

9. In reference to claim 1, Applicant argues that Morrissey's et al. system and method is directed to the use of 211 and 511, and that the disclosure or suggestion of

Art Unit: 2642

providing routing and connection of an originating call to a TRS center. The Examiner points out that reliance on Morrissey's et al. reference was directed to the limitations covering the layout of the Advanced Intelligent Network dealing with routing and connection of calls to certain services based on the customer inputting a short dedicated code "N11" (or *universal number*). While the reference does not directly disclose routing and connection of a call to a TRS center, the Examiner believes that routing to a TRS center is implicitly suggested on "customized routing and call processing procedures for different customers". The aforementioned customization is based on preprogrammed data related to a specific dedicated short code "N11". (Refer to Abstract and Col. 2, lines 35-54).

Morrissey et al. does not disclose "providing and receiving at said TRS center the identifier corresponding to the communications device"; however it is systems and methods to provide ANI data to both residential and commercial customers are well known in the art of Advanced Intelligent Networks.

In the matter of providing and receiving the identifier information specifically to/at a TRS center –as applicable to Morrissey, Breslin and Dowens-, the Examiner is providing transcripts of FCC CC 92-105. Please refer to excerpts of the document recited above for clarification.

The above-stated responses also apply to claims 9 and 14.

10. Concerning Applicant's arguments in regard to Keating, Breslin and Peltz-Strauss availability as prior art on the date submitted to a government agency; the

Art Unit: 2642

Examiner as per phone conversation to the FCC confirmed that "comments and replies" related to proceedings available through their EDOCS website and made public within a reasonable amount of time from receipt of document. This database provides the general public with the documents posted to the FCC website since March 1996 (Refer to EDOC website copies).

Further, the "comments and replies" cited by Examiner were issues later discussed in a proceeding celebrated on September 8, 1999 (Please refer to transcripts of FCC CC 92-105). The aforementioned transcripts were made available to the public 10 working days after the proceeding. The Examiner believes that since these documents refer to FCC ruling, the date of the FCC proceeding may be used to ascertain the validity as prior art of the provided references.

The rejection of dependent claims 2-8 and 10-13 is, therefore, sustained by Examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2642

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
August 12, 2004.



BENNY TIEU
PRIMARY EXAMINER

A.U. 2642

Application/Control Number: 09/886,046
Art Unit: 2642

Page 11